



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,523	08/26/2003	Dong-Hoon Kim	21C-0065	4676
7590 11/02/2005				
CANTOR COLBURN LLP		EXAMINER		
55 Griffin Road South		NEGRON, ISMAEL		
Bloomfield, CT 06002				
		ART UNIT	PAPER NUMBER	
		2875		

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/648,523

Applicant(s)

KIM ET AL.

Examiner

Ismael Negron

Art Unit

2875

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached Detailed Action. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 7-18.  
Claim(s) rejected: 1,3-6,19-21 and 58-62.  
Claim(s) withdrawn from consideration: 22-57.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed October 5, 2005 have been fully considered but they are not persuasive.
2. Regarding the Examiner's rejection of Claim 1 under 35 U.S.C. 102(a) as being anticipated by RYU et al. (U.S. Pat. App. Pub. 2002/0181223), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically each of the dots protruding from the first light emission surface.
3. In response to applicant's arguments that RYU et al. failed to disclose individually, or suggest in combination, dots protruding from the first light emission surface, the applicant is respectfully advised that while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 70 USPQ2d 1827 (Fed. Cir. May 13, 2004).

In this case, RYU et al. discloses in Figure 4 a light guide having a plurality of cells 21 formed on a first light emission surface, such cells 21 being formed by a plurality of micro cells 212. The micro cells 212 protrude from the first light emission surface such that cells 21 define an embossment, or raised portion. See Figure 6A and paragraph 34 (lines 4-8).

As the applicant will surely now agree, RYU et al. do broadly recite dots (cell 21) protruding from the first light emission surface.

4. Regarding the Examiner's rejection of claims 3-5 and 19 under 35 U.S.C. 102(a) as being anticipated by RYU et al. (U.S. Pat. App. Pub. 2002/0181223), the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 1 and would be allowable when/if the independent claim is allowed.

While no argument is presented for rejected claim 21, the Examiner assumed that the applicant believes that such claim is patentable at least for the same reasons presented for claims 3-5 and 19.

5. Regarding the Examiner's rejection of Claim 58 under 35 U.S.C. 102(a) as being anticipated by RYU et al. (U.S. Pat. App. Pub. 2002/0181223), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically each of the dots being elongated in a specific direction.

6. In response to applicant's arguments that RYU et al. failed to disclose individually, or suggest in combination, dots protruding from the first light emission surface, the applicant is respectfully advised that while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow.

*In re American Academy of Science Tech Center*, 70 USPQ2d 1827 (Fed. Cir. May 13, 2004).

In this case, it is noted that RYU et al. discloses in a plurality of generally circular dots 21, such dots 21 being substantially shaped like the dots shown in the instant application figures, and as such were considered to meet the elongated in a specific direction. However, if the applicant intended the geometrically regular pattern formed on each dots to be elongated in a specific direction, the applicant is advised that while RYU et al. do fails to disclosed such feature, it would have been obvious to one of ordinary skill in the art at the time the invention was made to shape the geometrically regular pattern as claimed. One would have being motivated as necessitated by the specific requirements of a particular application, as suggested by RYU et al. in paragraphs 43 and 44.

Regarding the Examiner's rejection of claims 59, 60 and 62 under 35 U.S.C. 102(a) as being anticipated by RYU et al. (U.S. Pat. App. Pub. 2002/0181223), the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 58 and would be allowable when/if the independent claim is allowed.

7. Regarding the Examiner's rejection of claims 6 and 20 under 35 U.S.C. 103(b) as unpatentable over RYU et al. (U.S. Pat. App. Pub. 2002/0181223) in view of ASHALL (U.S. Pat. 5,390,436), the applicant present no arguments, except stating that such

claims depend directly or indirectly from independent Claim 1 and would be allowable when/if the independent claim is allowed.

8. Regarding the Examiner's rejection of Claim 61 under 35 U.S.C. 103(b) as unpatentable over RYU et al. (U.S. Pat. App. Pub. 2002/0181223) in view of ASHALL (U.S. Pat. 5,390,436), the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 58 and would be allowable when/if the independent claim is allowed.

### ***Conclusion***

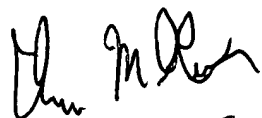
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2875

published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

  
Thomas M. Sember  
Primary Examiner

  
Inr

October 27, 2005